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REMARKS

Claims 1-10, 12, 14-17, and 23-48 are currently pending. Claims 11, 13, and 18-22 have been cancelled without prejudice. Claims 1-10, 12, and 14-17 have been amended. Claims 23-48 have been added. The support for the amended and added claims is on page 7, lines 12-15, page 8, lines 2-4, the original claims, and elsewhere in the disclosure. It is respectfully submitted that no new matter has been added.

The Patent Office objected to the title of the invention. The title suggested by the Patent Office has been provided in the amendment to the specification.

The Patent Office rejected claims 1, 3, 5, 6, 12, 14, 17, 18, and 20 under 35 U.S.C. 102(e) as being anticipated by Nagaoka, U.S. Published Patent Application No. 2002/0092024.

For a claim to be anticipated, each and every non-inherent claim limitation must be disclosed in a reference. MPEP 2131.

Nagaoka discloses a method and a broadcast system for provision of a program enabling a large number of widely dispersed viewers to participate in the program while maintaining a real time feeling therein – see paragraphs [0006] and [0037]. The broadcasting system comprises a plurality of mobile phones 1A, 1B, ..., a broadcast station 2, a transaction management system (TMS) 3, a plurality of set top boxes (STBs) 4 and a mobile packet communication network 5 – see Figure 1 and [0036]. The TMS 3 receives data broadcast by the broadcast station 2 and converts it to a format of data that is displayed by the mobile phones 1 – see paragraphs [0047] and [0049]. The STB 4 also receives and displays the broadcast data – see [0044] and [0045]. The mobile phones 1 have memories which store sender Ids which are for identifying the mobile phones 1 in the mobile packet communication network 5, for participation in the program and for verifying users' identities effectively to prevent an identity theft – see [0053], [0084], [0087], [0092], and [0142]. From [0037], it can be seen that Nagaoka aims to enable users of the mobile phones 1 to participate in an auction program broadcast by station 2. Indeed, this is confirmed as the core of the disclosure of that document by [0057], [0140] and so on.

Considering the STB 4 of Nagaoka to be the digital broadcast receiver of claim 1 (as asserted by the Patent Office), Nagaoka does not disclose (as has been claimed) “sending to [the STB4] through a digital broadcast network message detection data that allows the [STB 4] to identify messages broadcast through said digital broadcast network with at least one individual

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address corresponding to the [STB 4]”. Instead the STB 4 simply receives program data (including a program code), report information data (e.g., text indicating the current bid in a program) and electrical program guide data – see [0038], [0040].

Indeed, Nagaoka does not relate to “configuring a digital broadcast receiver” (as has been claimed) at all.

Furthermore, none of the data sent to the STB 4 in Nagaoka “is encrypted using a substantially unique key associated with [the STB 4]”, as is required by claim 1. Indeed, none of the data seems to be signed at all, let alone with a key associated with the STB 4.

Still furthermore, none of the data sent to the STB 4 in Nagaoka comprises “identity data corresponding to an individual identification code stored in [the STB 4]”, as is recited by claim 1.

Thus, claims 1, 3, 5, 6, 12, 14, and 17 are not anticipated by Nagaoka.

The Patent Office rejected claims 2, 10, 11, 19, and 21 under 35 U.S.C. 103(a) as being unpatentable over Nagaoka, as applied to claims 1, 3, 5, 6, 12, 14, and 17, and further in view of Thornton, U.S. Published Patent Application No. 2003/0056220.

Claim 1 provides a digital broadcast receiver which is able to set up so as to receive broadcast messages (e.g., MMSs) which cannot also be received by other digital broadcast receivers. Thus, claim 1 is concerned with something entirely different than Nagaoka. It is not therefore seen that Nagaoka could reasonably be used to argue that claim 1 would be obvious to a person of ordinary skill in the art.

Thornton (U.S. published patent application no. 2003/0056220) concerns enabling users with independent terminal devices to share audiovisual content in the context of a communication session, shared software application, or common experience – see paragraph [0002]. Claim 1 is patentable over Thornton at least since Thornton does not disclose “configuring a digital broadcast receiver.” Furthermore, although [0032] mentions broadcast, it is clear that Thornton does not even disclose a “digital broadcast receiver” in the sense as claimed.

Thus, amended claims 2, 10, 11, 19, and 21 are allowable over Nagaoka and Thornton, alone or in combination.

It is respectfully submitted that claim 10 is allowable for the reasons claim 1 is allowable.

Concerning claim 12, Nagaoka does not disclose “receiving specific data corresponding

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to a substantially unique key associated with and individually characterizing [a] digital broadcast receiver,” “encrypting at least part of ... message detection data with said substantially unique key thereby to allow said digital broadcast receiver to identify messages broadcast through [a] digital broadcast network with at least one individual address corresponding to said digital broadcast receiver,” or “sending ...encrypted message detection data to said digital broadcast receiver through said digital broadcast network for storage in said digital broadcast receiver to detect messages addressed individually thereto,” as claimed. Thus, claim 12 is allowable over Nagaoka.

Furthermore, since claim 12 is concerned with something entirely different from Nagaoka, it is not therefore seen that Nagaoka could reasonably be used to argue that claim 12 would be obvious to a person of ordinary skill in the art. Nor, similar, it is not seen that Thornton remedies the deficiencies of Nagaoka.

Concerning claim 23, Nagaoka does not disclose “receiving specific data corresponding to an individual identification code and individually characterizing [a] digital broadcast receiver,” “including the individual identification code in ... message detection data so as to allow said digital broadcast receiver to identify messages broadcast through [a] digital broadcast network with at least one individual address corresponding to said digital broadcast receiver,” or “sending said message detection data to said digital broadcast receiver through said digital broadcast network for storage in said digital broadcast receiver to detect messages addressed individually thereto,” as claimed. Thus, claim 23 is allowable over Nagaoka.

Furthermore, since claim 23 is concerned with something entirely different from Nagaoka, it is not therefore seen that Nagaoka could reasonably be used to argue that claim 23 would be obvious to a person of ordinary skill in the art. The same applies to Thornton.

For the reasons discussed above, none of claims 1-10, 12, 14-17, and 23-48 are obvious in view of Nagaoka and Thornton, alone or in combination.

The Patent Office rejected claims 4, 7, 9, 13, 15, 16, and 22 under 35 U.S.C. 103(a) as being unpatentable over Nagaoka, as applied to claims 1, 3, 5, 6, 12, 14, and 17 above, and further in view of Syed, U.S. Patent No. 6,845,230.

Syed does not remedy the deficiencies of Nagaoka. Claims 4, 7, 9, 13, 15, and 16 are allowable for the reasons provided above.

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The Patent Office rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Nagaoka, as applied to claims 1, 3, 5, 6, 12, 14, and 17 above, and further in view of Mathis, U.S. Patent No. 6,993,327.

Mathis does not remedy the deficiency of Nagaoka. Claim 8 is allowable for the reasons provided above.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-10, 12, 14-17, and 23-48 under 35 U.S.C. 102(e) based on Nagaoka, or under 35 U.S.C. 103(a) based on Nagaoka, in view of Thornton, Syed, and/or Mathis, and to allow all of the pending claims 1-10, 12, 14-17, and 23-48 as now presented for examination. An early notification of the allowability of claims 1-10, 12, 14-17, and 23-48 is earnestly solicited.

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Respectfully submitted:

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